

Message Text

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NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 SAJ-01 IO-14 ACDA-19 NIC-01 OMB-01 NEA-10

DRC-01 /144 W

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P R 091124Z JAN 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 0969

INFO USMISSION BERLIN

USMISSION NATO BRUSSELS

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 02 BONN 03788

E.O. 11652:GDS

TAGS: PGOV, GE, GW, WB

SUBJECT: GAUS AND NIER REACH AGREEMENT ON EXCHANGE OF
PERMANENT REPRESENTATIVES

REF: BONN 2918

SUMMARY: STATE SECRETARY GAUS ON MARCH 8 INVITED THE
THREE ALLIED AMBASSADORS TO BRIEFING ON GAUS-NIER
MEETINGS HELD MARCH 6-7 IN EAST BERLIN, AT WHICH AD REF
AGREEMENT WAS REACHED ON EXCHANGE OF PERMANENT REPRESENTATIVES. END SUMMARY.

1. GAUS TOLD AMBASSADORS THAT THE CABINET WOULD CONSIDER
AND APPROVE THE AD REF AGREEMENT AT ITS NEXT MEETING
(MARCH 13), AND AGREEMENT WOULD BE SIGNED BY GAUS AND
NIER ON MARCH 14. THE ORDINANCES NEEDED TO ESTABLISH
PRIVILEGES AND IMMUNITIES FOR THE GDR REPS (VIENNA
CONVENTION NOT APPLICABLE SINCE NO "DIPLOMATIC"
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RELATIONS ARE INVOLVED) MUST THEN BE APPROVED BY

BUNDESRAT, WHICH WOULD PROBABLY OCCUR AT MONTHLY MEETING ON MAY 10 (GAUS SAID IT COULD NOT BE EXPECTED THAT BUNDESRAT WOULD BE ABLE TO HANDLE MATTER AS EARLY AS APRIL MEETING ON APRIL 5). IF ALL GOES WELL, GAUS SAID, THE AGREEMENT COULD BE PUT INTO EFFECT AND PERMANENT REPRESENTATIVES EXCHANGED IN JUNE.

2. GAUS THEN OUTLINED THE POINTS WHICH HE SAID HAD BEEN THE MOST DIFFICULT TO REACH AGREEMENT ON: (A) PRIVILEGES AND IMMUNITIES; (B) ACCREDITATION AND TITLES; (C) INCLUSION OF WEST BERLIN; AND (D) FUNCTIONS OF THE REPRESENTATIVES.

3. ON THE FIRST OF THESE, THE FRG WAS SUCCESSFUL IN OBTAINING APPLICATION OF VIENNA CONVENTION BY ANALOGY -- IMPORTANT FOR THE FRG SINCE THIS SOLUTION SUPPORTS BONN'S POSITION THAT THE EXCHANGE OF PERMANENT REPRESENTATIVES DOES NOT CONSTITUTE THE ESTABLISHMENT OF DIPLOMATIC RELATIONS. TO EFFECT PRIVILEGES AND IMMUNITIES FOR THE GDR REPS, SPECIAL ORDINANCES WILL BE PASSED BY THE BUNDESRAT.

4. REGARDING ACCREDITATION AND TITLES, THE HEADS OF THE REPRESENTATIONS WILL HAVE TITLE OF "LEITER" AND WILL BE ACCREDITED TO THE RESPECTIVE CHIEF OF STATE. WORKING ACCREDITATION WILL BE TO FON MIN IN GDR AND TO CHANCELLERY IN FRG, WITH NO TIME LIMIT FOR THE LATTER (IN TWO CONFIDENTIAL PROTOCOL NOTES, NIER WILL STATE THAT GDR EXPECTS ITS REPS WILL BE ACCREDITED IN "FUTURE" TO THE FRG FON OFF, AND GAUS WILL DECLARE THAT ANY CHANGE WOULD BE POSSIBLE ONLY ON THE BASIS OF MUTUAL AGREEMENT).

5. AGREEMENT WAS REACHED THAT FRG WOULD REPRESENT THE INTERESTS OF THE WSB IN ACCORDANCE WITH THE QA WHILE LEAVING PRESENT GDR/SENAT ARRANGEMENTS UNDISTURBED (GAUS SAID THAT THIS WAS THE FIRST WRITTEN BERLIN CLAUSE WITH THE GDR). THE FRG IS PERMITTED TO PROVIDE FULL CONSULAR SERVICES (INCLUDING PROTECTION AND WELFARE) TO PERMANENT RESIDENTS OF WEST BERLIN EVEN

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WHEN THESE RESIDENTS ARE NOT LOCATED IN THE GDR. THUS, SAID GAUS, THERE WOULD BE NO DIFFERENCE IN TREATMENT IN THIS REGARD OF FRG RESIDENTS AND WEST BERLIN RESIDENTS. THERE IS NO GENERAL BERLIN CLAUSE FOR SUBSEQUENT FRG/GDR AGREEMENTS, AND SPECIFIC CLAUSES WILL BE REQUIRED IN EACH CASE. THE GDR HAS, HOWEVER, AGREED IN PRINCIPLE ON BERLIN CLAUSES IN THE CASES OF THREE SETS OF TALKS WHICH ARE NEARING CONCLUSION: ON POSTAL MATTERS; NON-

COMMERCIAL PAYMENTS; AND ON HEALTH.

6. THE FUNCTIONS OF THE REPRESENTATIONS WILL NOT BE LIMITED, WITH THE AGREEMENT NOTING THEIR PURPOSE AS DEVELOPMENT OF NORMAL GOOD NEIGHBORLY RELATIONS BY

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 03788

EFFORTS IN POLITICAL, ECONOMIC, CULTURAL, AND OTHER FIELDS. EVEN THOUGH MENTION IS MADE OF ECONOMIC FIELD, FRG WAS SUCCESSFUL IN OBTAINING GDR AGREEMENT THAT TREUHANDSTELLE WOULD CONTINUE TO OPERATE. NIER AGREED THAT SINCE TREUHANDSTELLE WAS NOT AN OBJECT OF THE NEGOTIATIONS, ITS FUNCTIONS COULD NOT BE SEEN AS CHANGED BY THE PROTOKOL.

7. REGARDING ADMINISTRATIVE DETAILS, EACH REPRESENTATION WILL BE LIMITED TO A TOTAL OF 100 EMPLOYEES FROM THE

SENDING STATE, FREE ACCESS TO AND EXIT FROM GDR IS GUARANTEED FOR ALL SUCH EMPLOYEES AND THEIR DEPENDENTS, AND ASSURANCES HAVE BEEN GIVEN BY GDR THAT FRG REPS WILL FACE NO DIFFICULTIES REGARDING IMPORT AND EXPORT FOR PERSONAL USE.

8. COMMENT: AT MEETING WITH AMBASSADORS GAUS WAS IN CONFIDENTIAL

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EXPANSIVE MOOD AND WAS OBVIOUSLY PROUD OF AGREEMENT. INDEED, WITH CONCESSIONS BY GDR IN AREAS OF ACCREDITATION, BERLIN REPRESENTATION, AND ON THE TREUHANDSTELLE, HIS PLEASURE APPEARS WELL JUSTIFIED. GAUS EVEN WENT SO FAR AS TO SAY THAT THE OPPOSITION (WHICH ONLY A FEW DAYS AGO WAS QUESTIONING WHETHER HE WAS COMPETENT TO NEGOTIATE) WOULD PERHAPS EVEN CALL A "CEASE-FIRE" SINCE AN ATTACK ON THE GOOD RESULTS OF THE NEGOTIATIONS WOULD MAKE THEM LOOK FOOLISH. END COMMENT.

9. REGARDING REASON FOR APPARENT GDR FORTHCOMINGNESS, GAUS ONLY OFFERED VAGUE IDEAS THAT GDR MAY HAVE DECIDED THAT NO RELATIONS WITH FRG MORE DISADVANTAGEOUS THAN KIND IT COULD GET, AND THAT SOVIETS PERHAPS DESIRED A "MINIMAL NORMALIZATION" IN ORDER TO KEEP SOME MOVEMENT IN USSR CURRENT INTERNATIONAL ENDEAVORS. HILLENBRAND

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